

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.9772 of 2026**

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Nisheeth Chandrachoor S/o Shri Vinod Kumar Jaiswal, Resident of Kotwali  
Chowk, Ganj no 2, PO and PS Bettiah, District West Champaran, Pin 845438.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
3. The Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
4. The Bihar Public Service Commission through its Secretary, 15 Jawaharlal Nehru Marg, Bailey Road, Patna.
5. The Secretary, Bihar Public Service Commission, 15 Jawaharlal Nehru Marg, Bailey Road, Patna.
6. The Examination Controller, Bihar Public Service Commission, 15, Jawaharlal Nehru Marg, Bailey Road, Patna.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s	:	Mr. Abhijeet Abhigyan, Adv.
For the Respondent/s	:	Mr. Ramadhar Singh, GP-5
For the BPSC	:	Mr. Sanjay Pandey, Adv. Mr. Nishant Kumar Jha, Adv. Mr. Prabhakar Pahepuri, Adv.

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      07-07-2026                      Heard Mr. Abhijeet Abhigyan, learned Advocate for the petitioner; learned Advocate for the State; and Mr. Sanjay Pandey, learned Advocate for the Bihar Public Service Commission.

2. The petitioner is aggrieved with the part of the notification dated 05.05.2026 issued by the Bihar Public Service Commission whereby all 101 posts of Sub-Divisional Protection Officer have been reserved exclusively for women candidates.



The petitioner further seeks a declaration that the reservation of 100% of the posts of Sub-Divisional Protection Officer in favour of women candidates is unconstitutional, arbitrary and violative of Articles 14, 15 and 16 of the Constitution of India.

3. Assailing the notification dated 05.05.2026, learned Advocate for the petitioner has placed reliance upon various decisions of the Hon'ble Supreme Court and has contended with all his vehemence that the Bihar Protection Service (Recruitment and Service Conditions) Rules, 2025 (hereinafter referred to as "the Rules, 2025") are contrary to the provisions of the Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as "the Act, 2005"). It is further contended that while Section 8 of the Act, 2005 merely provides that, as far as practicable, preference shall be given to women while appointing Protection Officers whereas Rule 4(2) of the Rules, 2025 mandates that all cadre posts of Sub-Divisional Protection Officer shall be filled up exclusively by women candidates. It is, therefore, contended that the said Rule travels beyond the scope of the parent statute and is consequently *ultra vires* the Act, 2005 as well as the Constitution of India.

4. *Per contra*, learned Advocates appearing for the State as well as the Commission submitted that the impugned



notification has been issued strictly in accordance with the provisions of the Rules, 2025. It is further submitted that Rule 4(2) unequivocally provides that all cadre posts shall be filled up by women candidates and, admittedly, the validity of the said Rule has not been challenged in the present writ petition.

5. Having considered the submissions advanced by the learned Advocates for the respective parties, this court finds substance in the submissions led by learned Advocate for the Commission. Since the impugned notification has been issued in conformity with the provisions of the Rules, 2025, no interference is called for in exercise of the writ jurisdiction of this Court. However, it shall be open to the petitioner to challenge the validity of the relevant provisions of the Rules, 2025, if so advised.

6. With the aforesaid liberty and observation, the writ petition stands disposed of.

**(Harish Kumar, J)**

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